

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-219726

DATE: December 16, 1985

MATTER OF: Transportation - Household Goods -
Live Animals

DIGEST:

The statute providing for the transportation, within prescribed weight limitations, of the "baggage and household effects" of transferred service members applies only to inanimate objects that can be packed, stored, and shipped by commercial carrier at standard costs computed on the basis of weight. Hence, the statute does not authorize the transportation of live animals, including household pets, since the transportation of live animals involves special handling and extraordinary costs that cannot be calculated on the basis of weight, and animals are fundamentally unlike the inanimate household furnishings and personal effects acceptable for shipment by commercial movers.

The question presented here is whether animal pets may be shipped at public expense under the authority of the statute which provides for the transportation of the "baggage and household effects" of service members who are ordered to make a permanent change-of-station move.^{1/} We conclude that this statute does not provide authority for the shipment of pets.

Background

Subsection 406(b)(1)(A) of title 37, United States Code, provides that a member of a uniformed service who is ordered to make a change of permanent station "is entitled to transportation (including packing, crating, drayage, temporary storage, and unpacking) of baggage and household effects, or reimbursement therefor, within such weight allowances prescribed by the Secretaries concerned."

^{1/} This action is in response to a request for a decision received from the Chairman of the Per Diem, Travel and Transportation Allowance Committee (PDTATAC Control Number 85-25).

Implementing statutory regulations are contained in Volume 1 of the Joint Travel Regulations (1 JTR). Those regulations define the term "household goods" as generally including all personal property associated with the home and personal effects belonging to service members and their dependents, on the effective date of the permanent change-of-station orders, which can be accepted and transported as household goods by an authorized commercial carrier.^{2/} It is clear from Chapter 8 of 1 JTR and from the definition of household goods that that term encompasses all items referred to in 37 U.S.C. § 406(b) as "baggage and household effects." The definition contains a list of items specifically excluded from coverage under the term "household goods," and among the enumerated exclusions are:

- "3. live animals not required in the performance of official duties, including birds, fish, and reptiles;"

Hence, under the current regulations, since live animal pets are specifically excluded from the definition of "household goods," they are not "baggage and household effects" which may be transported at public expense when service members are ordered to make a permanent change-of-station move.

It is indicated that Army officials believe this prohibition against the shipment of pets should be rescinded. The officials reportedly believe that the prohibition has resulted in a hardship to service members, not only because of the out-of-pocket expenses incurred by them, but also because of the inconvenience they experience in having to make personal arrangements for their pets' transportation.

The officials recognize that Federal departments and agencies must act within their statutory authority in issuing regulations, but the officials question whether the governing provisions of statute contained in 37 U.S.C. § 406(b)(1)(A) actually require the exclusion by regulation of household pets from the "baggage and household effects" which may be transported at public expense when service members are ordered to make a permanent change-of-station

^{2/} The definition of "household goods" is contained in Appendix J of Volume I, Joint Travel Regulations.

move. The issue thus presented is whether the Joint Travel Regulations may properly be amended under the provisions of 37 U.S.C. § 406(b)(1)(A) which are currently in effect to permit the transportation of pets at Government expense.

Analysis and Conclusion

As indicated, 37 U.S.C. § 406(b)(1)(A) broadly authorizes the transportation, including the packing and temporary storage, of transferred service members' "baggage and household effects," subject to prescribed weight limitations. Another statute, 37 U.S.C. § 554(b), provides similar authority for the transportation of the "household and personal effects" of service members who are officially reported as dead, injured, ill, or in a missing status. Also, civilian employees who are transferred are broadly authorized the transportation of their "household goods and personal effects" under 5 U.S.C. § 5724(a).

We have repeatedly observed that "baggage," "household effects" and "household goods" are general terms not lending themselves to precise definition, but varying in scope depending upon the context in which they are used.^{3/} We have consistently held, however, that the statutes and regulations providing for the shipment of household goods or personal effects of service members and civilian employees contain no authority for the transportation of household pets.^{4/} In those decisions we have referred to regulations specifically prohibiting the shipment of live animals in such circumstances, but we have also observed generally that live animals, including pets and mascots, could not properly be regarded as household goods or effects under the

^{3/} See, e.g., 53 Comp. Gen. 159, 160 (1973); 52 Comp. Gen. 479, 481 (1973); 44 Comp. Gen. 65, 66 (1964).

^{4/} See, e.g., 27 Comp. Gen. 760 (1948) (service members in a missing status); Major General Joseph T. Palastra, Jr., B-205577, May 18, 1982 (service member transferred); Ramon V. Romero, B-190330, February 23, 1978 (civilian employee transferred).

applicable statutes because they were not classified by carrier tariffs as household goods.^{5/}

We have reviewed the rationale of our prior decisions on this subject and find the conclusion was properly reached that live animals are not includable as "baggage," "household effects," or "household goods" under 37 U.S.C. § 406(b)(1)(A) or the other provisions of statute mentioned. The statutes plainly contemplate that the transportation of household goods at public expense be limited to inanimate objects that can be packed, stored, and shipped by a commercial carrier at standard costs computed on the basis of weight. The transportation of live animals involves special handling and extraordinary costs that cannot be calculated on the basis of the animals' weight, so that we regard living animals as being fundamentally unlike the inanimate household furnishings and personal effects handled in the ordinary manner by commercial movers. Moreover, we note that in the past when the Congress has enacted legislation authorizing transferred Government personnel to ship live animals as well as household furnishings to a new post of duty, the type of animal and manner of shipment was specifically prescribed. For example, Army officers were once authorized the transportation of their private "mounts" or horses.^{6/}

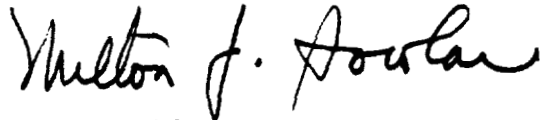
We are consequently unable to conclude that the Congress intended to authorize the shipment of animal pets at public expense by enacting the legislation currently in effect which generally provides for the transportation of service members' "baggage and household effects." Hence, we conclude that the provisions of statute in question do not provide authority for the transportation of animal pets at public expense, and that the Joint Travel Regulations therefore may not be amended to authorize their transportation.

^{5/} 27 Comp. Gen., supra, at 761-762. Cf. 52 Comp. Gen., supra, at 480-482.

^{6/} See 8 Comp. Gen. 627 (1929); 6 Comp. Gen. 320 (1926); 2 Comp. Gen. 346 (1922).

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The question presented is answered accordingly.

A handwritten signature in cursive script, reading "Milton J. Fowler". The signature is written in dark ink and is positioned above the printed title.

Acting Comptroller General
of the United States